

REMARKS

After entry of the amendment, claims 1-19 will be pending in this application. Claims 1 and 10 have been amended to clarify that the cook vessel has a concave portion matched a convex portion of the temperature regulation system. Claim 2 has been amended to clarify the positioning of the convex thermally conductive material relative to cook vessel and Peltier. Claim 3 has been amended to clarify the components of the temperature regulation system. No new matter has been added.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants reserve the right to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

Interview summary

Applicant thanks the Examiner for the telephonic interview conducted with the Applicant's representative. During that interview, the claim amendments shown above were discussed and as was how these amendments distinguish the claims over U.S. Patent No. to 5,060,479 to Carmi et al. While the Examiner seemed

inclined to agree that the claims were allowable, no final agreement was reached because the Examiner indicated that a new search would be required. Consequently, the Applicant is formally filing these amendments, along with a request for continued examination.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (319) 594-2200.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-1097 for any fee which may be due.

Date: November 3, 2006



Christopher J. Voci
Registration No. 45,184
Dobrusin & Thennisch PC
29 W. Lawrence Street, Suite 210
Pontiac, MI 48342
319-594-2200
cvoci@patentco.com
Customer No. 25,215